

UNITED STATES DISTRICT COURT

for the

Southern District of New York

SPHERE 3D CORP.

Plaintiff

v.

GRYPHON DIGITAL MINING, INC.

Defendant, Third-party plaintiff

v.

PATRICIA TROMPETER

Third-party defendant

Civil Action No. 1:23-cv-02954-PKC

SUMMONS ON A THIRD-PARTY COMPLAINT

To: *(Third-party defendant's name and address)* Patricia Trompeter
c/o Sphere 3D Corp.
895 Don Mills Road
Building 2, Suite 900
Toronto, Canada M3C 1W3

A lawsuit has been filed against defendant Gryphon Digital Mining Inc., who as third-party plaintiff is making this claim against you to pay part or all of what the defendant may owe to the plaintiff Sphere 3D Corp..

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff and on the defendant an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the defendant or defendant's attorney, whose name and address are:

Brian D. Koosed, Esq.
K&L Gates LLP
1601 K Street, NW, Washington, D.C. 20006

It must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

Tibor L. Nagy, Jr., Esq.
Dontzin Nagy & Fleissig, LLP
980 Madison Avenue, New York, NY 10075

If you fail to respond, judgment by default will be entered against you for the relief demanded in the third-party complaint. You also must file the answer or motion with the court and serve it on any other parties.

A copy of the plaintiff's complaint is also attached. You may – but are not required to – respond to it.

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

Civil Action No. 1:23-cv-02954-PKC

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____
 _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: